

opinion

NEW HAMPSHIRE LAW LIBRARY

September 30, 1958

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CONCORD, N.H.

Honorable Dowdoin Plumer
Chairman, Legislative Council
State House

Dear Mr. Plumer:

Yours of September 18 inquires whether the provisions existing in RSA 52, contemplating the establishment of village districts for certain purposes, are sufficient authority to establish a village district in the nature of a regional or metropolitan water district for the benefit of persons who live in the same watershed but not in the same village.

I respectfully reply in the negative.

RSA 52:1, permitting ten or more legal voters inhabitants of any village situated in one or more towns to petition for the establishment of a village district for purposes - including the supplying of water - in my opinion authorizes the establishment of such district only in respect to those towns within which said village is situated. The authority in this section is just not broad enough to safely found the establishment of the type of metropolitan water district you suggest, which would extend to several towns within which said village was not situated.

So far as enabling legislation is concerned, it appears to me that this would not be difficult to prepare. Specific legislative authority for the establishment of such a regional or metropolitan water district would require merely a new chapter, RSA 52-A, permitting the formation of such regional or metropolitan water district under certain circumstances. If the Council wishes such an act we will prepare same at your direction.

Cordially,

Louis C. Wyman
Attorney General